Office of the Communications Security Establishment Commissioner

2014–15

Departmental Performance Report

The Honourable Harjit S. Sajjan,
PC, OMM, MSM, CD, M.P
Minister of National Defence

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Commissioner's Message

I am pleased to present the 2014-15 *Departmental Performance Report* for the Office of the Communications Security Establishment Commissioner.

The office remains committed to meeting its two priorities: to maintain and improve the effectiveness and efficiency of the review program and to increase transparency to maintain public trust.

Throughout the year, I continued to review, like my predecessors have done since the creation of the office in 1996, the activities of the Communications Security Establishment (CSE) for compliance with the law. Since my annual report for Parliament has not been tabled and will now have to await the sitting of the new Parliament after the elections, I will note from last year that the 81 classified review reports submitted to the Minister of National Defence since 1996 have contained 148 recommendations. CSE has accepted and implemented or is working to address 93% of these recommendations.

The office has expanded its outreach program. We have included more information in my annual report and to the website on what the office does and how it does it, increased participation in conferences and seminars about security and intelligence, and continued discussions and meetings with other review bodies in Canada and abroad. The more that Parliament and Canadians are informed about the activities of CSE, about how my office reviews those activities and what the results of the reviews are, the greater will be the confidence in the work of my office. I also continue to encourage CSE to release more information, to the extent possible, to contribute to greater public awareness and confidence in CSE's role on behalf of the government and the country.

Part of my mandate includes responding to complaints, and investigating if I consider it necessary, that CSE has engaged, or is engaging, in unlawful activity or is not taking measures to protect the privacy of Canadians. In 2014-15, no complaints about CSE activities warranted investigation. Under the *Security of Information Act*, I have a mandate to receive information from persons who are permanently bound to secrecy, if they believe it is in the public interest to release special operational information of CSE. No such matters were reported to me in 2014-15.

As always, it is through the efforts of the hardworking and dedicated professionals of my office that we are able to fulfill our commitment to review the activities of CSE to ensure they comply with the law and that the privacy of Canadians is safeguarded.

Section I: Organizational Expenditure Overview

Organizational Profile

Appropriate Minister: The Honourable Harjit S. Sajjan,
PC, OMM, MSM, CD, M.P
Minister of National Defence

Institutional Head: The Honourable Jean-Pierre Plouffe - Commissioner

Ministerial Portfolio: National Defence

Enabling Instrument(s): *National Defence Act*[i]; *Inquiries Act*[ii]; *Security of Information Act* [iii]

Year of Incorporation / Commencement: 1996

Other: 2008 the Commissioner's office was granted its own appropriation.

Organizational Context

Raison d'être

The position of the Communications Security Establishment Commissioner was created to review the activities of the Communications Security Establishment (CSE) to determine whether it performs its duties and functions in accordance with the laws of Canada. This includes having due regard for the privacy of Canadians. The Commissioner's office exists to support the Commissioner in the effective discharge of his mandate.

Responsibilities

The mandate of the Commissioner under the *National Defence Act* consists of three key functions:

273.63(2)

a) to review the activities of the CSE to ensure they comply with the law;
b) in response to a complaint, to undertake any investigation that the Commissioner considers necessary;
c) to inform the Minister of National Defence and the Attorney General of Canada of any activity of the Communications Security Establishment that the Commissioner believes may not be in compliance with the law;

273.63(3)

a) to submit an annual report to the Minister, for tabling in Parliament, on the Commissioner's activities and findings within 90 days after the end of each fiscal year

273.65(8)

to review and report to the Minister as to whether the activities carried out under a ministerial authorization are authorized; and

Under the Section 15 of the *Security of Information Act:*

to receive information from persons who are permanently bound to secrecy and who seek to defend the release of classified information about the Communications Security Establishment on the grounds that it is in the public interest.

Strategic Outcome and Program Alignment Architecture

1. **Strategic Outcome:** The strategic outcome of the Office of the Communications Security Establishment Commissioner is that the CSE performs its duties and functions in accordance with the laws of Canada. This includes safeguarding the privacy of Canadians.

    1.1 Program: The Communications Security Establishment Commissioner's review program

    Internal Services

Organizational Priorities

Organizational Priorities

Priority	Type[1]	Strategic Outcome and Program
1. Improve the effectiveness and efficiency of the review program	• Ongoing	• The Communications Security Establishment performs its duties and functions in accordance with the laws of Canada. This includes safeguarding the privacy of Canadians. • Review Program

Summary of Progress

What progress has been made toward this priority?

- The effectiveness and efficiency of the review program continues to improve, with new skill sets being added to the review program.
- We continue to build on the professional working relationship with CSE and this in turn contributes immensely to the flow of information between the organizations. Information received from CSE on its priorities, activities, ongoing and planned, and key issues is essential to the development of our comprehensive 3 year risk-based review work-plan.
- My office has consulted with review and oversight bodies in Canada and abroad in order to discuss issues of mutual interest and concern. These exchanges enable us to contribute to the development and adoption of professional standards and best practices.
- Review staff continues training and mentoring opportunities to further enhance their skill sets related to the effective performance of reviews.
- The office continues to supplement and refresh its knowledge base through exchange arrangements with other government departments.

1. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

Priority	Type[2]	Strategic Outcome and Program
2. Increase transparency and maintain public trust	• New	• The Communications Security Establishment performs its duties and functions in accordance with the laws of Canada. This includes safeguarding the privacy of Canadians. • Review Program

Summary of Progress

What progress has been made toward this priority?

- The mandate of CSE does not permit full disclosure of its activities undertaken to protect Canada's national interests. However my office, as provided for by the *Inquiries Act*, has full access to CSE and can and does review without restriction. My office, within the restrictions of the *Security of Information Act* has successfully argued for more to be released, to provide greater explanation. The office has made more information available through the Commissioner's annual report and on its website.
- The office continues to challenge CSE on why certain information cannot be made public.
- Efforts have continued to better inform the public on the mandate of the office and how it operates, all within the constraints of national security, and provide further opportunities for discussion and exchange of ideas with outside experts in the fields of national security and privacy - attendance at and participation in national and international conferences and meetings dealing with intelligence review and oversight.

2. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

Risk Analysis

Key Risks

Risk	Risk Response Strategy	Link to Program Alignment Architecture
Failure to maintain and build on the existing effective working relationship with CSE	In developing its three year work plan for the conduct of reviews, the office relies to a large extent on information provided by CSE on its plans and priorities, its activities, both underway and planned, and its areas of concern. This information is an essential component of the risk analysis that my office performs to identify activities for review. The flow of information between my office and CSE goes both ways. Briefings on the office, its mandate and its operations are provided as part of the orientation of new employees in CSE. In addition, meetings are held with CSE management and employees throughout the review process in an effort to ensure that reviews are comprehensive, correct and timely.	• CSE operating in accordance with the law and safeguarding the privacy of Canadians • Review program
Insufficient review coverage	The office monitors its human resources to ensure that sufficient resources and skill sets are in place to address the review issues that need to be examined. Workforce issues are monitored to ensure existing resources obtain the necessary training to perform the reviews scheduled for completion. As required, the office also, on a temporary basis, supplements its own human resources with workforce arrangements with other government departments or through contracts with subject matter experts. The office employs a process of risk analysis that helps determine review priorities by identifying CSE activities that present higher risks to non-compliance or to privacy. The three-year work plan is updated twice annually.	• CSE operating in accordance with the law and safeguarding the privacy of Canadians • Review program
Loss of public trust	The outreach activity is a critical element of the office's goal to increase transparency and in so doing help maintain public trust. The more that Parliament and Canadians know of the office and what it does the greater the confidence in the Commissioner and his office.	• CSE operating in accordance with the law and safeguarding the privacy of Canadians • Review program

An ineffective working relationship with CSE, inadequate review coverage and loss of public trust – individually and/or collectively would pose a serious risk to the fulfillment of the Commissioner's mandate. The office must continue to work with management and staff of CSE in a professional, tough but fair manner. The office must continue to monitor its human resource capacity and supplement it, when required, with additional skill sets in order to successfully complete the required reviews; and the office must continue to expand its outreach activity to ensure that Parliament and Canadians are as well informed as possible and have an understanding of what the office does, how it operates and what it finds.

Actual Expenditures

Budgetary Financial Resources (dollars)

2014–15 Main Estimates	2014–15 Planned Spending	2014–15 Total Authorities Available for Use	2014–15 Actual Spending (authorities used)	Difference (actual minus planned)
2,024,288	2,024,288	2,124,393	2,043,560	19,272

Human Resources (Full-Time Equivalents [FTEs])

2014–15 Planned	2014–15 Actual	2014–15 Difference (actual minus planned)
11.5	10.5	(1)

Budgetary Performance Summary for Strategic Outcome and Program (dollars)

Strategic Outcome, Program and Internal Services	2014–15 Main Estimates	2014–15 Planned Spending	2015–16 Planned Spending	2016–17 Planned Spending	2014–15 Total Authorities Available for Use	2014–15 Actual Spending (authorities used)	2013–14 Actual Spending (authorities used)	2012–13 Actual Spending (authorities used)
Strategic Outcome: The strategic outcome of the Office of the Communications Security Establishment Commissioner is that the CSE performs its duties and functions in accordance with the laws of Canada and with due regard for the privacy of Canadians.								
Review Program Subtotal	1,489,913	1,489,913	1,549,695	1,616,295	1,532,698	1,445,424*	1,322,494	1,662,369
Internal Services Program Subtotal	534,375	534,375	481,372	504,772	591,695	598,136*	607,373	623,350
Total	2,024,288	2,024,288	2,031,067	2,121,067	2,124,393	2,043,560	1,943,120	2,285,719

(*The individual program spending has been restated to reflect the allocation of internal service costs on a basis consistent with previous years. Total spending remains the same.)

At the outset of the 2014-15 fiscal year, the office's planned spending was $2,024 thousand. Through the Main Estimates and transfers from Treasury Board for compensation adjustments and for lapsed funds carried forward from the 2013-14 fiscal year, the office was allocated total authorities of $2,124 thousand. Actual office spending was $2,044 thousand.

The increase of $100 thousand from planned spending to authorities is due to compensation adjustments, increase of $3 thousand, lapsed funds carried forward, increase of $99 thousand, and contributions to employee benefits plans, decrease of $2 thousand.

The increase of $20 thousand between planned spending and actual spending is mainly due to a slight increase in salary costs.

The decrease of $80 thousand from total authorities to actual spending is due a reduction in the cost of professional services.

Alignment of Spending With the Whole-of-Government Framework

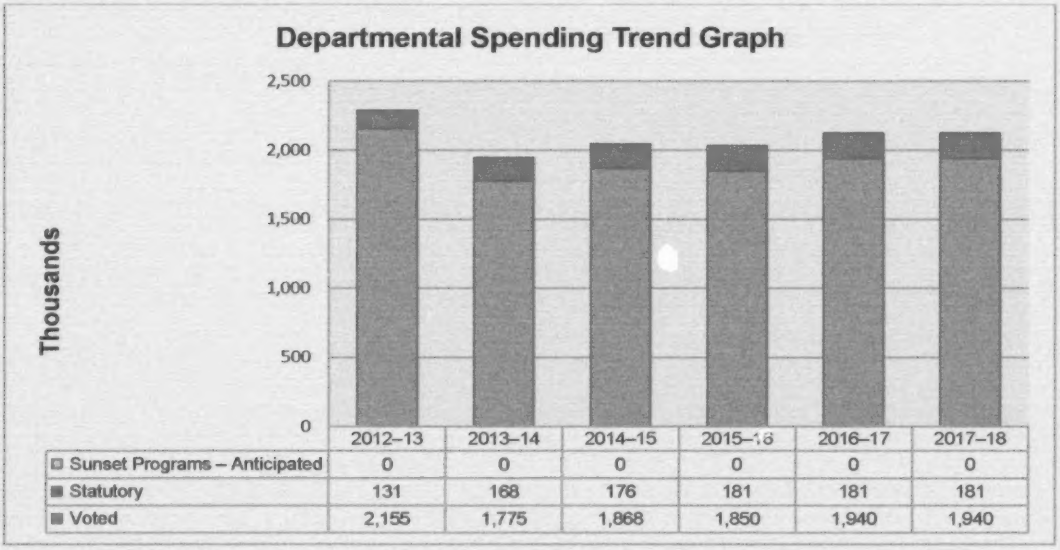
Alignment of 2014–15 Actual Spending With the Whole-of-Government Framework[iv] (dollars)

Strategic Outcome	Program	Spending Area	Government of Canada Outcome	2014–15 Actual Spending
The strategic outcome of the Office of the Communications Security Establishment Commissioner is that the CSE performs its duties and functions in accordance with the laws of Canada and with due regard for the privacy of Canadians.	Review Program	Social Affairs	A safe and secure Canada	1,445,424

Total Spending by Spending Area (dollars)

Spending Area	Total Planned Spending	Total Actual Spending
Economic affairs	0	0
Social affairs	1,489,913	1,445,424
International affairs	0	0
Government affairs	0	0

Departmental Spending Trend



	2012–13	2013–14	2014–15	2015–16	2016–17	2017–18
Sunset Programs – Anticipated	0	0	0	0	0	0
Statutory	131	168	176	181	181	181
Voted	2,155	1,775	1,868	1,850	1,940	1,940

The spending is for the most part consistent over time. The increased level of expenditures in 2012-13 resulted from payment of the final costs related to the security retro-fit and expansion of the office space. The decrease in spending in 2013-14 resulted from the late delivery of capital assets that were only received in 2014-15 and could only be paid in 2014-15. As well, the total authorities available for spending were reduced by $100,000 as a result the partial repayment of funds advanced to cover the costs of the office expanded space. The actual spending in 2014-15 and the planned spending in 2015-16 are virtually the same. The planned spending for 2016-17 and 2017-18 are the same and only differ from 2015-16 because the reprofiling costs have been fully repaid and these monies, $90,000 would be then available for spending.

Expenditures by Vote

For information on Office of the Communications Security Establishment's organizational voted and statutory expenditures, consult the *Public Accounts of Canada 2015*,[v] which is available on the Public Works and Government Services Canada website.[vi]

Section II: Analysis of Program by Strategic Outcome

Strategic Outcome: The CSE performs its duties and functions in accordance with the laws of Canada and with due regard for the privacy of Canadians.

Program: Review Program

Description

The review program includes research, monitoring, planning, the conduct of reviews and the reporting of results. It also includes consultations and communications with CSE officials, with other government officials, and senior representatives of the security and intelligence community in Canada and abroad.

A logic model of the review program can be found in this year's Annual Report.

Budgetary Financial Resources (dollars)

2014–15 Main Estimates	2014–15 Planned Spending	2014–15 Total Authorities Available for Use	2014–15 Actual Spending (authorities used)	2014–15 Difference (actual minus planned)
1,489,913	1,489,913	1,532,698	1,445,424	(44,489)

Human Resources (Full-Time Equivalents [FTEs])

2014–15 Planned	2014–15 Actual	2014–15 Difference (actual minus planned)
8.5	7.5	(1)

Performance Results

Expected Results	Performance Indicators	Targets	Actual Results
Reviews are completed within targeted time frames as established by the Commissioner	% of reviews completed within targeted time frames as established by the Commissioner	80%	90%
Recommendations resulting from reviews conducted are accepted and implemented	% of recommendations resulting from reviews conducted are accepted and implemented	80%	100%
Negative findings addressed	% of negative findings addressed	80%	75%

Performance Analysis and Lessons Learned

The office must continue to maintain and build on its working relationship with CSE. An effective working relationship will enable the office to strengthen its capacity to identify and respond to existing and developing issues that pose the greatest risk to compliance with the legislation and to protecting the privacy of Canadians.

The office must continue to support its employees in the performance of quality reviews by providing access to training programs, on-the-job mentoring and rigorous quality control. The office will continue to supplement its employees by engaging subject matter experts through contract or agreements with other government departments to ensure that it maintains its review capacity.

We still have concerns about public discussion where conclusions are being drawn or where opinions are being formed on partial information – oftentimes what results is misleading or incorrect. To the greatest extent possible, within the confines of the *Security of Information Act*, the office is providing more information about what the office does and how – through the Commissioner's annual report, the office web site, dialogue with the media, information exchanges resulting from participation in national and international conferences, and through discussions with other review bodies in Canada and abroad.

Internal Services

Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are Management and Oversight Services, Communications Services, Legal Services, Human Resources Management Services, Financial Management Services, Information Management Services, Information Technology Services, Real Property Services, Materiel Services, Acquisition Services, and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not those provided to a specific program.

Budgetary Financial Resources (dollars)

2014–15 Main Estimates	2014–15 Planned Spending	2014–15 Total Authorities Available for Use	2014–15 Actual Spending (authorities used)	2014–15 Difference (actual minus planned)
534,375	534,375	591,695	598,136	63,761

Human Resources (FTEs)

2014–15 Planned	2014–15 Actual	2014–15 Difference (actual minus planned)
3	3	0

Performance Analysis and Lessons Learned

The office is undergoing a core control audit on 2014-15 transactions. When concluded, the office will develop a management action plan that will build on the opportunities for improvement identified by the audit. As well, the office will need to develop plans and implementation schedules to meet the central agency requirements related to records management, web renewal, and the transformation of the pay system.

Section III: Supplementary Information

Financial Statements Highlights

Condensed Statement of Operations (unaudited)
For the Year Ended March 31, 2015
(dollars)

Financial Information	2014–15 Planned Results	2014–15 Actual	2013–14 Actual	Difference (2014–15 actual minus 2014–15 planned)	Difference (2014–15 actual minus 2013–14 actual)
Total expenses	2,358,039	2,185,960	2,067,209	(172,079)	118,751
Total revenues	0	0	0	0	0
Net cost of operations before government funding and transfers	2,358,039	2,185,960	2,067,209	(172,079)	118,751

The planned total expenses did not account for a reduction in funding levels of $100,000 resulting from repayment of re-profiling costs related to the retro-fit of office accommodations. The planned total expenses did not account for a lapse in authorities. However, in 2014-15, the office lapsed almost $80,000. The increase in expenditures in 2014-15 over 2013-14 is mainly due to increases in salary and one time travel costs to attend the International Intelligence Review Agencies Conference in London.

Condensed Statement of Financial Position (unaudited)
As at March 31, 2015
(dollars)

Financial Information	2014–15	2013–14	Difference (2014–15 minus 2013–14)
Total net liabilities	145,682	199,934	(54,252)
Total net financial assets	115,027	145,258	(30,231)
Departmental net debt	30,655	54,676	(24,021)
Total non-financial assets	804,956	992,589	(187,633)
Departmental net financial position	774,301	937,913	(163,612)

Accounts payable and vacation pay both decreased in 2014-15; the reduction in payables results in a reduction in the due from the Consolidated Revenue Fund reducing the net financial assets. The change in total non-financial assets and departmental net financial position is primarily due to the amortization charges ($129 thousand) and the refund from PWGSC of prior year construction costs ($71 thousand) reducing the value of non-financial assets, offset slightly by the cost of asset acquisition ($9 thousand).

Financial Statements

The financial statements can be found on the office's website[vii].

Supplementary Information Tables

The only supplementary information table listed in the *2014–15 Departmental Performance Report*, is the Target 7.2: Green procurement table, and can be found on the office of the Communications Security Establishment Commissioner's website[viii].

Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures annually in the Tax Expenditures and Evaluations[ix] publication. The tax measures presented in the Tax Expenditures and Evaluations publication are the responsibility of the Minister of Finance.

Section IV: Organizational Contact Information

The Office of the Communications Security Establishment Commissioner can be reached at the following address:

Office of the Communications Security Establishment Commissioner
P.O. Box 1474, Station "B"
Ottawa ON K1P 5P6

The Office may also be reached:

Telephone: 613-992-3044Facsimile: 613-992-4096Email: info@ocsec-bccst.gc.ca

For further information on the Office of the Communications Security Establishment Commissioner, its mandate and function, please visit the office's website[x].

Appendix: Definitions

appropriation (*crédit*): Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (*dépenses budgétaires*): Includes operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Departmental Performance Report (*rapport ministériel sur le rendement*): Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Report on Plans and Priorities. These reports are tabled in Parliament in the fall.

full-time equivalent (*équivalent temps plein*): Is a measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

Government of Canada outcomes (*résultats du gouvernement du Canada*): A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

Management, Resources and Results Structure (*Structure de la gestion, des ressources et des résultats*): A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

non-budgetary expenditures (*dépenses non budgétaires*): Includes net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (*rendement*): What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve and how well lessons learned have been identified.

performance indicator (*indicateur de rendement*): A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting (*production de rapports sur le rendement*): The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

planned spending (*dépenses prévues*): For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their RPPs and DPRs.

plan (*plan*): The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

priorities (*priorité*): Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

program (*programme*): A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

Program Alignment Architecture (*architecture d'alignement des programmes*)**:** A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

Report on Plans and Priorities (*rapport sur les plans et les priorités*): Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

result (*résultat*): An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (*dépenses législatives*): Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

Strategic Outcome (*résultat stratégique*): A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

sunset program (*programme temporisé*): A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target (*cible*): A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (*dépenses votées*): Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

whole-of-government framework (*cadre pangouvernemental*): Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.

Endnotes

[i] *National Defence Act*, http://laws-lois.justice.gc.ca/eng/acts/N-5/
[ii] *Inquiries Act*, http://laws-lois.justice.gc.ca/eng/acts/i-11/
[iii] *Security of Information Act*, http://laws-lois.justice.gc.ca/eng/acts/O-5/
[iv] Whole-of-government framework, http://www.tbs-sct.gc.ca/ppg-cpr/frame-cadre-eng.aspx
[v] *Public Accounts of Canada 2015*, http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html
[vi] Public Works and Government Services Canada website, http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html
[vii] Office of the Communications Security Establishment Commissioner, www.ocsec-bccst.gc.ca
[viii] Office of the Communications Security Establishment Commissioner, http://www.ocsec-bccst.gc.ca/finance/gp-7-2_e.php
[ix] Government of Canada Tax Expenditures, http://www.fin.gc.ca/purl/taxexp-eng.asp
[x] Office of the Communications Security Establishment Commissioner, www.ocsec-bccst.gc.ca